United Nations S/RES/2322 (2016)

Security Council

Distr.: General
12 December 2016

Resolution 2322 (2016)

Adopted by the Security Council at its 7831st meeting, on 12 December 2016

The Security Council,

Recalling its resolutions 1267 (1999), 1333 (2000), 1363 (2001), 1373 (2001), 1390 (2002), 1452 (2002), 1455 (2003), 1526 (2004), 1566 (2004), 1617 (2005), 1624 (2005), 1699 (2006), 1730 (2006), 1735 (2006), 1822 (2008), 1904 (2009), 1988 (2011), 1989 (2011), 2083 (2012), 2129 (2013), 2133 (2014), 2170 (2014), 2178 (2014), 2195 (2014), 2199 (2015), 2214 (2015), 2249 (2015), 2253 (2015) and 2309 (2016),

Reaffirming its commitment to sovereignty, territorial integrity and political independence of all States in accordance with the Charter of the United Nations,

Reaffirming that terrorism in all its forms and manifestations constitutes one of the most serious threats to peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever, wherever, and by whomsoever committed,

Reaffirming that terrorism should not be associated with any religion, nationality, civilization or ethnic group,

Condemning terrorists and terrorist groups, in particular the Islamic State in Iraq and the Levant (ISIL, also known as Da'esh), Al-Qaida, and associated individuals, groups, undertakings, and entities, for ongoing and multiple criminal terrorist acts aimed at causing the deaths of innocent civilians and other victims, destruction of property, and greatly undermining stability,

Deeply concerned by the increasing number of victims, especially among civilians of diverse nationalities and beliefs, caused by terrorism motivated by intolerance or extremism in various regions of the world, *reaffirming* its profound solidarity with the victims of terrorism and their families, and *stressing* the importance of assisting victims of terrorism and providing them and their families with support to cope with their loss and grief,

Gravely concerned that in some cases terrorists or terrorist groups, in particular ISIL, Al-Qaida, and associated individuals, groups, undertakings, and entities continue to profit from involvement in transnational organized crime, and

Please recycle

expressing concern that terrorists benefit from transnational organized crime in some regions, including from the trafficking of arms, persons, drugs, and artifacts, and from the illicit trade in natural resources including gold and other precious metals and stones, minerals, wildlife, charcoal and oil, as well as from kidnapping for ransom and other crimes including extortion and bank robbery,

Expressing concern at the continuing use, in a globalized society, by terrorists and their supporters, of information and communication technologies, in particular the Internet, to facilitate terrorist acts, and *condemning* their use to incite, recruit, fund, or plan terrorist acts,

Expressing concern also at the continued flow of international recruits to ISIL, Al- Qaida, and associated groups, and *recalling* its resolution 2178 (2014) deciding that Member States shall, consistent with international human rights law, international refugee law, and international humanitarian law, prevent and suppress the recruiting, organizing, transporting, or equipping of foreign terrorist fighters and the financing of their travel and of their activities,

Particularly concerned at the growing involvement of terrorist groups, especially in areas of conflict, in the destruction and the trafficking in cultural property and related offences, and recognizing the indispensable role of international cooperation in crime prevention and criminal justice responses to combat such trafficking and related offences in a comprehensive and effective manner,

Reiterating the obligation of Member States to prevent the movement of terrorists and terrorist groups, in accordance with applicable international law, by, inter alia, effective border controls, and, in this context, to exchange information expeditiously, improve cooperation among competent authorities to prevent the movement of terrorists and terrorist groups to and from their territories, the supply of weapons for terrorists, and financing that would support terrorists,

Stressing that terrorism can only be defeated by a sustained and comprehensive approach involving the active participation and collaboration of all States and international and regional organizations to impede, impair, isolate, and incapacitate the terrorist threat,

Underlining the importance of strengthening international cooperation, including by investigators, prosecutors and judges, in order to prevent, investigate and prosecute terrorist acts, and *recognizing* the persisting challenges associated with strengthening international cooperation in combating terrorism including in stemming the flow of FTFs to and returning from conflict zones, in particular due to the cross border nature of the activity,

Stressing that the development and maintenance of fair and effective criminal justice systems should be a fundamental basis of any strategy to counter terrorism and transnational organized crime,

Recalling that timely cooperation and action, in accordance with international obligations, can help States to prevent FTFs from travelling to conflict zones, develop effective strategies to deal with returnees, preserve through law enforcement and judicial authorities critical evidence for legal proceedings, and facilitate the implementation of procedures for prosecution,

Noting the significant increase in the requests for cooperation in gathering digital data and evidence from the Internet and *stressing* the importance of considering the re-evaluation of methods and best practices, as appropriate, in particular, related to investigative techniques and electronic evidence,

Calling upon Member States to continue exercising vigilance over relevant financial transactions and improve information-sharing capabilities and practices, in line with applicable international and national law, within and between governments through relevant authorities including judicial authorities and channels, including law enforcement, intelligence, security services, and financial intelligence units, and also *calling upon* Member States to improve integration and utilization of financial intelligence with other types of information available, such as that provided by the private sector to national governments, to more effectively counter the terrorist financing threats posed by ISIL, Al-Qaida, and associated individuals, groups, undertakings and entities, including through actions related to investigative techniques, evidence gathering and prosecution,

Calling upon Member States to continue information-sharing, through appropriate channels and arrangements, and consistent with international and domestic law, on individuals and entities implicated in terrorist activities, in particular their supply of weapons and sources of material support, and on the ongoing international counter-terrorism cooperation including among special services, security agencies and law enforcement organizations and criminal justice authorities,

Welcoming the efforts by UNODC to upgrade its existing networks of Central Authorities to encompass the ones responsible for counter terrorism matters,

Recalling that the obligation in paragraph 1(d) of resolution 1373 (2001) also applies to making funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of terrorist organizations or individual terrorists for any purpose, including but not limited to recruitment, training, or travel, even in the absence of a link to a specific terrorist act,

1. *Reiterates* its call upon all states to become party to the international counter-terrorism conventions and protocols as soon as possible, whether or not they are a party to regional conventions on the matter, and to fully implement their obligations under those to which they are a party;

2. *Reaffirms* that those responsible for committing or otherwise responsible for terrorist acts, and violations of international humanitarian law or violations or abuses of human rights in this context, must be held accountable;

3. *Calls upon* States to share, where appropriate, information about foreign terrorist fighters and other individual terrorists and terrorist organizations, including biometric and biographic information, as well as information that demonstrates the nature of an individual's association with terrorism via bilateral, regional and global law enforcement channels, in compliance with international and domestic national law and policy, and *stresses* the importance of providing such information to national watch lists and multilateral screening databases;

4. *Recognizes* the important role of national legislation in enabling international judicial and law enforcement cooperation on terrorist-related offences, and *calls upon* Member States to enact, and where appropriate, review their respective counterterrorism legislation in view of the evolving threat posed by terrorist groups and individuals;

5. *Calls* upon States to consider, where appropriate, downgrading for official use intelligence threat data on foreign terrorist fighters and individual terrorists, to appropriately provide such information to front-line screeners, such as immigration, customs and border security, and to appropriately share such information with other concerned States and relevant international organizations in compliance with international and domestic national law and policy;

6. *Emphasizes* the importance of States establishing as a serious criminal offence in their domestic laws and regulations the willful violation of the prohibition on financing of terrorist organizations or individual terrorists for any purpose, including but not limited to recruitment, training, or travel, even in the absence of a direct link to a specific terrorist act, and *urges* States to exchange information about such activity consistent with international and national law and *emphasizes* further the recent FATF guidance on Recommendation 5 on the criminalization of terrorist financing for any purpose, in line with resolutions 2199 (2015) and 2253 (2015);

7. *Further encourages* States to cooperate in the implementation of targeted financial and travel sanctions against terrorist groups and individual terrorists under resolution 1373 (2001) and the implementation of targeted financial and travel sanctions and arms embargo against those listed under 2253 (2015) by sharing information with other relevant States and international organizations about such individuals and groups to the greatest degree possible, consistent with international and national law;

8. *Recalls* that all States shall afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings, and *urges* States to act in accordance with their obligations under international law, in order to find and bring to justice, extradite or prosecute any person who supports, facilitates, participates or attempts to participate in the direct or indirect financing of activities conducted by terrorists or terrorist groups;

9. *Calls upon* all States to:

(a) Exchange information, in accordance with international and domestic law and cooperate on administrative, police and judicial matters to prevent the commission of terrorist acts and to counter the FTF threat, including returnees;

(b) Consider the possibility of allowing through appropriate laws and mechanisms, the transfer of criminal proceedings, as appropriate, in terrorist-related cases;

(c) Enhance cooperation to prevent terrorists from benefiting from transnational organized crime, to investigate and to build the capacity to prosecute such terrorists and transnational organized criminals working with them;

(d) Enhance cooperation to deny safe haven to those who finance, plan, support, commit terrorist acts, or provide safe havens;

10. *Calls upon all* States to ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists;

11. *Urges* also as a matter of priority that Member States consider, as appropriate, ratifying, acceding to, and implementing other relevant international conventions to support international cooperation in criminal matters, such as the UN Convention against Transnational Organized Crime of 2000 and the Protocols thereto;

12. *Urges* States to develop, including, upon request, with the assistance of UNODC and in close cooperation with UNESCO and INTERPOL, broad law enforcement and judicial cooperation in preventing and combating all forms and aspects of trafficking in cultural property and related offences that benefit or may benefit terrorist or terrorist groups, and to introduce effective national measures at the legislative and operational levels where appropriate, and in accordance with obligations and commitments under international law and national instruments, to prevent and combat trafficking in cultural property and related offences, including considering to designate such activities that may benefit terrorist or terrorist groups, as a serious crime in accordance with article 2 of the UN Convention against Transnational Organized Crime;

13. *Calls upon* all States to:

(a) Use applicable international instruments to which they are parties as a basis for mutual legal assistance and, as appropriate, for extradition in terrorism cases, and encourages States, in the absence of applicable conventions or provisions, to cooperate when possible on the basis of reciprocity or on a case by case basis;

(b) Enact and, where appropriate, review and update extradition and mutual legal assistance laws in connection with terrorism-related offences, consistently with their international obligations, including their obligations under international human rights law, and to consider reviewing national mutual legal assistance laws and mechanisms related to terrorism and updating them as necessary in order to strengthen their effectiveness, especially in the light of the substantial increase in the volume of requests for digital data;

(c) Consider strengthening implementation, and where appropriate, reviewing possibilities for enhancing the effectiveness of their respective bilateral and multilateral treaties concerning extradition and Mutual Legal Assistance in criminal matters related to counter-terrorism;

(d) Consider ways within the framework of the implementation of existing applicable international legal instruments to simplify extradition and MLA requests in appropriate terrorism-related cases, while recognizing the need for due consideration, in light of the need to uphold relevant legal obligations;

(e) Designate mutual legal assistance and extradition Central Authorities or other relevant criminal justice authorities and ensure that such authorities have

adequate resources, training and legal authority, in particular for terrorism related offences;

(f) Take measures, where appropriate, to update current practices on MLA regarding acts of terrorism, including considering, where appropriate, the use of electronic transfer of requests to expedite the proceedings between Central Authorities or, as appropriate, other relevant criminal justice authorities with full respect to existing treaty obligations;

(g) Consider providing UNODC with information for its repository database with contacts and other relevant details of designated authorities;

(h) Consider developing and participating in regional mutual legal assistance cooperation platforms and developing and enhancing arrangements for expeditious cross-regional cooperation for terrorism related offences;

14. *Encourages* Member States to act cooperatively to prevent terrorists from recruiting, to counter their violent extremist propaganda and incitement to violence on the Internet and social media, including by developing effective counter narratives, while respecting human rights and fundamental freedoms and in compliance with obligations under international law, and stresses the importance of cooperation with civil society and the private sector in this endeavor;

15. *Calls upon* all States, in conformity with international law, to consider establishing appropriate laws and mechanisms that allow for the broadest possible international cooperation, including the appointment of liaison officers, police to police cooperation, the creation/use, when appropriate, of joint investigation mechanisms, and enhanced coordination of cross-border investigations in terrorism cases, and also *calls upon* States to increase, where appropriate, their use of electronic communication and universal templates, in full respect for fair trial guarantees of the accused;

16. *Recognizes* the proven effectiveness of I-24/7, INTERPOL's secure global communication system, as well as its array of investigative and analytical databases, and its system of notices in the framework of the fight against terrorism, *encourages* States to increase the capacity of their National Central Bureaus to utilize them and to designate a 24 hour/seven days a week point of contact for this network and to take the necessary measures to ensure its adequate training in its use to counter terrorism and foreign terrorist fighters, including illicit international travel;

17. *Encourages also* States, to consider extending access to, and where appropriate, integrate into their national systems, the INTERPOL I-24/7 police information network beyond the National Central Bureaus to other national law enforcement entities at strategic locations such as remote border crossings, airports, customs and immigration posts or police stations;

18. *Encourages* Member States, international, regional and sub-regional organizations to consider the possibility of developing 24/7 networks to counter terrorism while taking into account their existing arrangements for cooperation, and in this regard, *takes note* of the creation of a 24 hours seven days a week point of contact cooperation network in the Additional Protocol to the Council of Europe

Convention on the Prevention of Terrorism (May 2015) to combat terrorism, in furtherance of the implementation of resolution 2178 (2014);

19. *Directs* the Counter Terrorism Committee, with the support of CTED to:

(a) Include in its dialogue with international, regional and subregional organizations and Member States their efforts to promote international law enforcement and judicial cooperation in counter-terrorism matters and to work closely with international, regional and subregional organizations and relevant UN bodies that have developed relevant networks and cross regional cooperation in order to facilitate international cooperation to counter terrorism and foreign terrorist fighters, including returnees, particularly by providing analysis on capacity gaps and recommendations based on CTED's country assessments;

(b) Identify gaps or trends in current international cooperation among Member States, including through CTC briefings to exchange information on good practices, and facilitate capacity building, including through sharing good practices and exchange of information in this regard;

(c) Work with CTITF entities, in particular UNODC, to identify areas where it is appropriate to deliver technical assistance to Member States, upon their request, to implement this resolution, including through the training of prosecutors, judges and other relevant officials involved in international cooperation, particularly by providing analysis on capacity gaps and recommendations based on CTED's country assessments;

(d) Identify and raise awareness on good practices on international judicial and law enforcement cooperation in counter-terrorism matters;

20. *Requests* UNODC to further enhance, in close consultation with the Counter-terrorism Committee and its Executive Directorate, its provision of technical assistance to States, upon request, to facilitate the implementation of the international conventions and protocols related to the prevention and suppression of terrorism and of relevant United Nations resolutions and further requests UNODC, together with Member States, to continue to promote, inter alia, international cooperation in criminal matters related to terrorism, including foreign terrorist fighters, especially with regard to extradition and mutual legal assistance;

21. *Requests* the Counter Terrorism Executive Directorate, with the assistance of UNODC and in consultation with CTITF office to prepare a report on the current state of international law enforcement and judicial cooperation related to terrorism, identifying major gaps and providing the Counter Terrorism Committee with recommendations to address them within ten months;

22. *Requests* CTC to update the Council in twelve months on the implementation of this resolution.